

PTO/SB/31 (09-04)

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THE BOARD OF PATENT APPEALS AND INTERFERENCES

Docket Number (Optional)

AUS920010024US1

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Robert H. Frantz, Reg. No. 42,553

In re Application of
Leland James Wiesehuegel

Application Number
09/801,613

Filed 03/08/2001

For Read-only User Access for Web Based Auction

Art Unit
3625

Examiner
Matthew S. Gart

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))

\$ 500.00

- ☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ _____
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- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 09-0447. I have enclosed a duplicate copy of this sheet.
- ☐ A petition for an extension of time under 37 CFR 1.136(e) (PTO/SB/22) is enclosed.

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I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/98)
- ☒ attorney or agent of record.
Registration number 42,553
- ☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34. _____

Signature
Robert H. Frantz, Reg. No. 42,553

Typed or printed name

405-812-5613

Telephone number

Feb. 23, 2005
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

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This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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In the United States Patent and Trademark Office

In re the Application of:

Leland James Wieschuegel)

Serial Number: 09/801,613)

Group: 3625

Docket Number: AUS920010024US1)

Examiner: Matthew S. Gart

Filed on: 03/08/2001)

For: "Read-only User Access for Web)

Based Auction")

APPEAL BRIEF***Real Party in Interest***

The subject patent application is owned by International Business Machines Corporation of Armonk, NY.

Related Appeals and Interferences

This patent claims is related to U.S. Patent Application number 09/714,726, docket number AUS9-2000-0736-US, filed on 11/16/2000, which is currently under Appeal and awaiting mailing of the Examiner's Answer to the Appellant's Brief.

Status of Claims

On February 23, 2005, appellant appealed from the final rejections of claims 1 - 23. Independent claims 1, 9, 17, drawn towards a method, a computer-readable medium, and a system according to the invention were amended from their original states on May 17, 2004, and again on Sept. 27, 2004, both of which have been entered. Dependent claims 2 - 8, 10 - 16, and 18 - 23 remain in their originally filed states.

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Serial No. 09/801,613

Leland James Wieschuegel

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Claims 6 - 8, 14 - 16, and 18 - 21

We have described and claimed our invention as utilizing a web browser for the client device to receive and view offering lists, and we have described and claimed using a secure or non-secure HTTP server for preparing such offering lists, according to and controlled by a pre-existing contract in the manner claimed in Claims 1, 9, and 17. Claims 6 - 8, 14 - 16, and 18 - 21 each depend from Claim 1, 9 or 17.

As such, Claims 6 - 8, 14 - 16, and 18 - 21 recite steps, elements and limitations as claimed in Claims 1, 9 and 17 which are not taught or suggested by Goodwin as discussed in the foregoing paragraphs. For these reasons, allowance of Claims 6 - 8, 14 - 16, and 18 - 21 is requested.

Summary

For the foregoing reasons, it is submitted that the rejections of Claims 1 - 23 were erroneous, and allowance of these claims is respectfully requested.

Respectfully Submitted,



Robert H. Frantz, Agent for the Applicant

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